

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

**THIRTY-SEVENTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 11, 2003**

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Cameron, Keough, Little, Marley, and Stegner, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Teresa Duran, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Cameron and Little were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 10, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Keough, Marley, and Stegner were recorded present at this order of business.

February 11, 2003

The JUDICIARY AND RULES Committee reports that **S 1090, S 1091, S 1092, S 1093, S 1094, S 1095, S 1096, S 1097, S 1098, S 1099, S 1100, S 1101, S 1102, S 1103, S 1104, S 1105, S 1106, S 1107, 1108, S 1109, SCR 102, SCR 103, and SCR 104** have been correctly printed.

DARRINGTON, Chairman

S 1090 and **S 1097** were referred to the Commerce and Human Resources Committee.

S 1091, S 1092, and S 1104 were referred to the Education Committee.

S 1093, S 1094, S 1095, S 1096, and S 1109 were referred to the Judiciary and Rules Committee.

S 1098, S 1099, S 1100, S 1101, S 1105, and S 1106 were referred to the Resources and Environment Committee.

S 1102 was referred to the Health and Welfare Committee.

S 1103 was referred to the Finance Committee.

S 1107 and S 1108 were referred to the Local Government and Taxation Committee.

On request by Senator Sorensen, granted by unanimous consent, **SCR 102** was referred to the State Affairs Committee.

SCR 103 and **SCR 104** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 10, 2003

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 101** was delivered to the Office of the Secretary of State at 1:30 p.m., February 10, 2003.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 10, 2003

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Jim Kempton to the Pacific Northwest Electric Power and Conservation Planning Council, term to expire January 15, 2006.

NOH, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 10, 2003

The JUDICIARY AND RULES Committee reports out **H 52** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **H 52** was referred to the Fourteenth Order of Business, General Calendar.

February 10, 2003

The STATE AFFAIRS Committee reports out **S 1069** without recommendation.

SORENSEN, Chairman

S 1069 was filed for second reading.

February 10, 2003

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Roger Simmons to the Idaho State Lottery, term to expire at the pleasure of the Governor.

SORENSEN, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 11, 2003

The LOCAL GOVERNMENT AND TAXATION Committee reports out **S 1071** with the recommendation that it do pass.

BUNDERSON, Chairman

S 1071 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 10, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1014

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

February 11, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that D. Richard Wyatt of Lewiston, Idaho, was appointed as a member of the Idaho Water Resource Board to serve a term commencing January 1, 2003, and expiring January 1, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 10, 2003

Mr. President:

I transmit herewith **H 106**, and I return herewith **S 1009**, which have passed the House.

JUKER, Chief Clerk

H 106 was filed for first reading.

S 1009 was referred to the Judiciary and Rules Committee for enrolling.

February 10, 2003

Mr. President:

I return herewith Enrolled **S 1001**, which has been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1001** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of James Kile was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Andreason, seconded by Senator Malepeai, the Gubernatorial appointment of James Kile as a member of the Idaho Industrial Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Health and Welfare Committee report, relative to the Gubernatorial appointments of Quane Kenyon, Dr. Richard T. Roberge, and Dr. Jack T. Riggs, was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Burkett, seconded by Senator Davis, the Gubernatorial appointment of Quane Kenyon as a member of the Idaho State Board of Health and Welfare was confirmed by voice vote.

On motion by Senator Kennedy, seconded by Senator Stegner, the Gubernatorial appointment of Dr. Richard T. Roberge as a member of the Idaho State Board of Health and Welfare was confirmed by voice vote.

On motion by Senator Compton, seconded by Senator Burkett, the Gubernatorial appointment of Dr. Jack T. Riggs as a member of the Idaho State Board of Health and Welfare was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of Trent Clark was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Burkett, the Gubernatorial appointment of Trent Clark as a member of the Idaho State Building Authority was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Stegner, granted by unanimous consent, **HCR 9** retained its place on the Calendar for one legislative day.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1110

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO POLITICAL CYBERFRAUD; AMENDING TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 26, TITLE 34, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO SET FORTH LEGISLATIVE FINDINGS AND INTENT, TO DEFINE TERMS, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO COMMIT AN ACT OF POLITICAL CYBERFRAUD WITH THE INTENT TO MISLEAD, DECEIVE OR DEFRAUD, TO PROVIDE EXCEPTIONS, TO SET FORTH PENALTIES; AND TO PROVIDE FOR SEVERABILITY.

S 1111

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE IDAHO BUILDING CODE ACT; REPEALING SECTION 39-4009, IDAHO CODE, RELATING TO CERTIFICATION OF PLANT SUPERVISORS; AMENDING SECTION 39-4105, IDAHO CODE, TO DEFINE "QUALIFIED SUPERVISOR"; AMENDING SECTION 39-4121, IDAHO CODE, TO PROVIDE THAT WHEN THE DIVISION HAS ASSUMED THE DUTIES OF AN IN-PLANT INSPECTION AGENCY NO MODULAR BUILDING SHALL RECEIVE AN INSIGNIA OF APPROVAL UNLESS THE INSTALLATION OF PLUMBING, HEAT PRODUCING AND ELECTRICAL SYSTEMS WERE SUPERVISED, NO OTHER FORM OF CERTIFICATION OR LICENSING SHALL BE REQUIRED FOR EMPLOYEES OF MODULAR BUILDING MANUFACTURERS, MODULAR BUILDING MANUFACTURERS SHALL HAVE QUALIFIED SUPERVISORS FOR PLUMBING AND HEAT PRODUCING SYSTEMS AND ELECTRICAL SYSTEMS AND QUALIFIED SUPERVISORS SHALL BE ON DUTY IN THE PLANT AT ALL TIMES WHEN PLUMBING, HEAT PRODUCING OR ELECTRICAL SYSTEMS ARE BEING INSTALLED; AND DECLARING AN EMERGENCY.

S 1112

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE STATE MILITIA; AMENDING SECTION 46-605, IDAHO CODE, TO PROVIDE THAT OFFICERS AND ENLISTED PERSONNEL IN ACTIVE SERVICE OF THE STATE MAY ACCEPT, IN LIEU OF CERTAIN PAY ENTITLEMENTS, GREATER PAY AND ALLOWANCES AVAILABLE FROM OTHER GOVERNMENT DEPARTMENTS OR AGENCIES.

S 1113

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO NO TELEPHONE SOLICITATION CONTACT LISTS; AMENDING SECTION 48-1003A, IDAHO CODE, TO REVISE THE TYPE OF SUBSCRIBER THAT MAY BE

PLACED ON A NO TELEPHONE SOLICITATION CONTACT LIST AND TO REVISE THE TYPES OF TELEPHONE SOLICITATIONS THAT ARE NOT SUBJECT TO DESIGNATED PROVISIONS RELATING TO NO TELEPHONE SOLICITATION CONTACT LISTS.

S 1114
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO MARRIAGE; AMENDING SECTION 32-209, IDAHO CODE, TO CLARIFY THE PUBLIC POLICY OF THE STATE OF IDAHO REGARDING RELATIONSHIPS INTENDED AS SUBSTITUTES FOR MARRIAGE.

S 1110, S 1111, S 1112, S 1113, and S 1114 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 106, by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 50, by Mr. Speaker, was read the second time at length and filed for third reading.

H 85, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1032 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1032** passed, title was approved, and the bill ordered transmitted to the House.

S 1033 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1033** passed, title was approved, and the bill ordered transmitted to the House.

S 1034 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1034** passed, title was approved, and the bill ordered transmitted to the House.

H 84 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 84** passed, title was approved as corrected, and the bill ordered returned to the House.

S 1002, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1002**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12 noon until the hour of 10 a.m., Wednesday, February 12, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary